

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY APPLICATION (L) NO.631 OF 2016
IN
COMPANY PETITION NO.9 OF 2010**

Hemantbhai Vashi .. Applicant

In the matter between

Yes Bank Limited .. Petitioner

Vs.

Liquidator of M/s.Sonal Garments (I) P.Ltd. .. Respondent

Ms.Molina Thakur for the applicant.

Ms.Yogini Chauhan, Deputy Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 6th January 2017

P.C. :

. By this application, the applicant seeks condonation of delay of 547 days in filing the affidavit of claim of the applicant before the official liquidator.

2. I have heard the learned counsel appearing for the applicant and the learned Deputy official liquidator. I have also considered the affidavit-in-reply filed by the official liquidator contending that the Kotak Mahindra Bank vide its letter dated 6th October 2016 had informed the official liquidator that under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2012, they have taken possession of secured property situated at Centre Point, Parel, Mumbai in the society of the applicant. It is contended by the official liquidator that it is the duty of the Kotak

Mahindra Bank to pay the dues of the applicant Society out of the sale proceeds realised from the said property of the company.

3. In my view, the objection raised by the official liquidator can be considered while considering the claim made by the applicant. In my view, delay in filing the affidavit of claim is satisfactorily explained and is accordingly condoned.

4. I therefore pass the following order :-

- (i) Company application is made absolute in terms of prayer clauses (a) and (b).
- (ii) No order as to costs.

R.D. DHANUKA, J.